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International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances
Ninth session

Summary record of the 156th meeting*
Held at the Palais des Nations, Geneva, on Friday, 18 September 2015, at 3 p.m.

Chairperson: Mr. Decaux

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* No summary record was issued for the 155th meeting.

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The meeting was called to order at 3 p.m.

Organizational and other matters

Adoption of the report of the Committee on its ninth session

1. **Mr. López Ortega**, introducing the Committee's report on its ninth session, which had been circulated informally, said that, to date, there were 50 States parties to the Convention and 94 signatory States. The Committee's ninth session had been opened by the United Nations High Commissioner for Human Rights, Mr. Zeid Ra'ad Al Hussein, who had spoken about the new contexts in which enforced disappearances were taking place, such as the internal conflicts in Syria and Iraq, and had also referred to extraordinary renditions carried out as part of the fight against terrorism, which constituted violations of the Convention. The High Commissioner had urged the Committee to pay close attention to the new patterns that were developing and to the implementation of article 16 of the Convention.

2. Two new members, Ms. Galvis Patiño and Mr. Figallo Rivadeneyra, had joined the Committee. The members of the Bureau had been elected at the start of the session, and Mr. Decaux had been re-elected Chairperson. The Committee had met with Ms. Birgit Van Hout from the Office of the United Nations High Commissioner for Human Rights to discuss the implementation of General Assembly resolution 68/268 on the strengthening of the treaty body system and had also been briefed about the discussions held at the annual meeting of chairpersons of human rights treaty bodies.

3. The Committee had discussed its working methods and had reviewed requests for urgent action. Since March 2012 — the date of submission of the first request for urgent action registered by the Committee under article 30 of the Convention — the Committee had received 150 such requests and had registered 128 of them: 1 relating to a disappearance that had occurred in Brazil, 1 in Cambodia, 4 in Colombia, 86 in Mexico and 36 in Iraq. It had asked those States parties to provide information on the action taken in that regard.

4. The Committee had decided to adopt the Guidelines against Intimidation or Reprisals (also known as the "San José Guidelines") and to send a reminder to the Government of the Netherlands about its overdue report. It had adopted lists of issues in relation to the reports submitted by Burkina Faso, Kazakhstan and Tunisia and had designated the country rapporteurs for Colombia, Bosnia and Herzegovina, Cuba, Senegal, Ecuador and Gabon.

5. During the session, the Committee had considered the reports of Iraq and Montenegro and had adopted concluding observations in each case. It had furthermore adopted lists of issues in regard to the reports of Burkina Faso, Kazakhstan and Tunisia and had received follow-up reports from Argentina, Spain and Germany, whose initial reports had been considered in 2013.

6. The Committee and the Working Group on Enforced or Involuntary Disappearances had met jointly with Ms. Estela de Carlotto, the President of the Abuelas de Plaza de Mayo, and with two members of the Interdisciplinary Group of Independent Experts established by the Inter-American Commission on Human Rights to look into the case of the enforced disappearance of students from Ayotzinapa, Mexico.

7. The Committee had also met with States Members of the United Nations, national human rights institutions and NGOs during the session. It had urged States parties to devote further efforts to implementing the Convention, to encourage other States to ratify it and, in the case of those who had not yet done so, to recognize the

Committee's competence to receive individual complaints. The Committee and the national human rights institutions present at the meeting had agreed to provide each other with support, particularly in relation to the follow-up that States parties gave to the Committee's concluding observations. The meeting with NGOs had been attended by representatives of the Committee of Relatives of Migrants of Central Honduras, whose family members had disappeared while migrating to the United States of America. The representatives had asked for the Committee's help in resolving the cases of migrants who had been victims of enforced disappearance, and they had asked how migrants and refugees could be better protected under the Convention.

8. **The Chairperson** said that, if he heard no objection, he would take it that the Committee wished to adopt the report on its ninth session.

9. *It was so decided.*

Provisional agenda for the tenth session of the Committee

10. **Mr. López Ortega** said that the provisional agenda for the Committee's tenth session, which was to be held in March 2016, included the traditional minute of silence in remembrance of victims of enforced disappearance, discussions on improving the Committee's methods of work and on strategies to promote ratification of the Convention, and the consideration of requests for urgent action and individual communications. The Committee would also meet with United Nations agencies and mechanisms, intergovernmental organizations and national human rights institutions.

11. **The Chairperson** said that, if he heard no objection, he would take it that the Committee wished to approve the provisional agenda for its tenth session.

12. *It was so decided.*

Closure of the session

13. **The Chairperson** said that a historic turning point had been reached, as the Convention had now been ratified by 50 States parties. In addition, Sri Lanka had recently announced that it would ratify the Convention without delay. The majority of the Committee members had been re-elected for a second term, while two outgoing experts, Mr. Camara and Mr. Garcé Garcia y Santos, had been replaced by two new members. The Committee had fully met the objectives set out in General Assembly resolution 68/268, having held sessions twice yearly for 10 days at a time.

14. The fact that the number of requests for urgent action had doubled since the last session was undoubtedly due to a greater awareness of article 30. The Committee must show great diligence in dealing with those requests, making use of all the protective measures provided for in that article. It would be useful for the Office of the United Nations High Commissioner for Human Rights to update its fact sheet on enforced or involuntary disappearance so as to clarify the differences between requests for urgent action submitted to the Committee and those submitted to the Working Group on Enforced or Involuntary Disappearances.

15. It was essential for the Committee and the Working Group to maintain the legal consistency of their work; that was the objective of their ongoing discussions on the inclusion of disappearances committed by non-State actors in the definition of enforced disappearance. The secretariat of the Working Group had informed the Committee about the main conclusions that the Working Group had drawn from its visit to Montenegro, and that information had been of great help to the Committee in preparing for its consideration of that State's report. It had become clear at the meeting with the Working Group that wide-ranging judicial reforms were needed in Mexico to combat corruption and impunity and to protect victims' rights. The

Committee might therefore consider the possibility of arranging for a visit to the State party pursuant to article 33.

16. At their annual meeting, the chairpersons of the treaty bodies, working together with the Inter-American Commission on Human Rights, had prepared a road map for future cooperation, beginning with an exchange of best practices. As Chairperson of the annual meeting, he hoped to strengthen cooperation among the treaty bodies.

17. The unusual provision set out in article 27 of the Convention was a legacy of the prevailing attitude at the time that the Convention had been negotiated. Given that General Assembly resolution 68/268 had set the treaty body system on a completely different course, that question mark over the Committee's future should be done away with once and for all. It did not seem practical to transfer the monitoring of the Convention to another body, as the other treaty bodies were already overburdened and did not deal with the same States parties as the Committee did. Having finally achieved the entry into force of the Convention after decades of hard work, it would be illogical to take a step backwards by experimenting with a new system. States such as Japan and Italy had made it clear at the time of the adoption of the Convention that they believed a specialized body should be in charge of monitoring its implementation. The Committee had become a key element of the human rights protection system, and its dissolution would mean rolling back 20 years' worth of progress. The United Nations High Commissioner for Human Rights had emphasized his Office's support for the Committee's work. Ms. Estela de Carlotto, for her part, was an inspiration and a reminder of the power of hope and solidarity in the face of the tragedy of enforced disappearance. Her example added even greater impetus to the Committee's efforts to universalize the Convention so that it could be as effective a tool as possible for the prevention of enforced disappearances.

18. After the customary exchange of courtesies, **the Chairperson** declared the ninth session of the Committee on Enforced Disappearances closed.

The meeting rose at 3.35 p.m.